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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/029,148	12/28/2001	François J. Blouin	123-021	5222	
34845 7	7590 08/10/2006		EXAMINER		
McGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			MEKY, MOU	MEKY, MOUSTAFA M	
			ART UNIT	PAPER NUMBER	
ŕ			2157		
			DATE MAILED: 08/10/2006	DATE MAILED: 08/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.			Application No.	Applicant(s)				
Moustafa M. Meky 2157	Office Action Summary		10/029,148	BLOUIN ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address ─ Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Examinous of turn may be available under the provious of JC FR. 138(b), in the overtice hower, may any be tending liked to the communication of the provision of JC FR. 138(b) in overtice hower, may any be tending liked to communication. Failur to reply the specified above, the maximum statistical period of reply is periodical down, the maximum statistical period for reply is periodical down, the maximum statistical periodic reply is periodical periodic reply is periodical down, the maximum statistical periodic reply is periodical down, the maximum statistical periodic reply is periodical down, the maximum statistical periodical reply and will always and will septimize the specifical to see 37 CFR 1.73(b). Status **Status** **Status** **Status** **Status** **Status** **Status** **Status** **Status** **A \(\) Claim (is periodical above, the maximum statistical periodical and periodi			Examiner	Art Unit				
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1. The amendment filed 5/1/2006 has been entered and considered by the examiner.

2. Claims 1-13 & 15-42 are presenting for examination.

3. Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-13 & 15-30, drawn to Computer network managing, classified in class
 709, subclass 223.
- II. Claims 31-36, drawn to Computer-to-computer data routing, classified in class709, subclass 238.
- III. Claims 37-42, drawn to Network resource allocating, classified in class 709, subclass 226.

The inventions are distinct, each from the other because of the following reasons:

A. Inventions I & II & III are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP, 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP, 806.04(h)). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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B Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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- C. Because these inventions are distinct for the reasons given above and the search required for each Group is different, restriction for examination purposes as indicated is proper.
- D. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM 8/6/2006

> MOUSTAFA M. MEKY PRIMARY EXAMINER

Monthful Meky